

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD LEHMAN, on behalf of himself and
others similarly situated,

Plaintiffs,

v.

WARNER NELSON; WILLIAM BECK, JR.,
BRIAN BISH, KLAAS A. DeBOER;
MICHAEL G. MARSH; ROCKY SHARP;
RICHARD BAMBERGER; DENNIS CALLIES,
CLIF DAVIS, TIM DONOVAN; HARRY
THOMPSON; GARY YOUNGHANS; CLINT
BRYSON; MICHAEL CHURCH; MICHAEL
DOYLE; GREG ELDER; GLEN FRANZ;
GARY GONZALES; CARL D. HANSON;
PATRICK POWELL; GARY PRICE; SCOTT
STEPHENS; ROGER TOBIN; and GRANT
ZADOW, in their capacity as Trustees of the
IBEW Pacific Coast Pension Plan,

Defendants.

No. 2:13-cv-01835

CLASS ACTION

NOTICE OF CROSS-APPEAL TO
THE NINTH CIRCUIT COURT OF
APPEALS

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

Notice is hereby given that Plaintiff Richard Lehman and the certified Class of similarly situated Plaintiffs cross-appeals to the United States Court of Appeals for the Ninth Circuit from the District Court's determination in its Order on Motions [Dkt. # 48], attached as **Exhibit A**, (1) that Defendants' failure to construe Plan provisions and disburse pension contributions in accordance with governing Plan documents and instruments did not constitute a breach of

1 fiduciary duty under ERISA 502(a)(2) and (2) that Plaintiffs may not seek equitable relief under
2 ERISA section 502(a)(3).

3 **Representation Statement**

4 Pursuant to Ninth Circuit Rule 3-2(b), Plaintiffs/Cross-Appellants Richard Lehman and the
5 certified Class he represents provides the following information concerning counsel for this
6 appeal:

7 **A. Richard Lehman and the certified Class.**

8 Richard J. Birmingham
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13 **B. Warner Nelson, William Beck, Jr., Brian Bish, Klaas A. DeBoer, Michael G.**
14 **Marsh, Rocky Sharp, Richard Bamberger, Dennis Callies, Clif Davis, Tim Donovan, Harry**
15 **Thompson, Gary Younghans, Clint Bryson, Michael Church, Michael Doyle, Greg Elder,**
16 **Glen Franz, Gary Gonzalez, Carl D. Hanson, Patrick Powell, Gary Price, Scott Stephens,**
17 **Roger Tobin, and Grant Zadow, in their capacity as Trustees of the IBEW Pacific Coast**
18 **Pension Plan.**

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20 Nathan R. Ring
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24 Bellevue, WA 98005
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26
27

1 DATED this 9th day of June, 2015.

2
3 Davis Wright Tremaine LLP
4 Attorneys for Richard Lehman and the Class

5
6 By /s/ Richard J. Birmingham
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CERTIFICATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington, that on June 9, 2015, I electronically filed the attached **Notice of Cross-Appeal to the Ninth Circuit Court of Appeals**, including Representation Statement, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 9th day of June, 2015.

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Attorneys for Richard Lehman and the Class

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